

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** May 21, 1952. Default decree of condemnation and destruction.

**19016. Adulteration of frozen tullibees. U. S. v. 55 Boxes \* \* \*. (F. D. C. No. 33084. Sample No. 48752-L.)**

**LIBEL FILED:** April 19, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about March 31, 1952, by the Canadian Fish Producers, from Winnipeg, Canada.

**PRODUCT:** 55 boxes, each containing 125 pounds, of frozen tullibees at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** May 19, 1952. Canadian Fish Producers, Ltd., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

**19017. Adulteration of frozen tullibees. U. S. v. 34 Boxes \* \* \*. (F. D. C. No. 33081. Sample No. 48751-L.)**

**LIBEL FILED:** April 17, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about February 25, 1952, by the Kozloff Fish Co., from Detroit, Mich.

**PRODUCT:** 34 boxes, each containing 125 pounds, of frozen tullibees at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** May 21, 1952. Olsen's, Inc., trading as the Olsen Fish Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use as animal feed, under the supervision of the Federal Security Agency.

**19018. Misbranding of canned tuna. U. S. v. 47 Cases \* \* \*. (F. D. C. No. 33003. Sample No. 33873-L.)**

**LIBEL FILED:** April 9, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 30, 1952, by the Wilbur-Ellis Co., from Brooklyn, N. Y.

**PRODUCT:** 47 cases, each containing 48 cans, of tuna at Chicago, Ill.

**LABEL, IN PART:** "Net Contents 7 Oz. Avd. Fair Wind Brand Fancy Solid Pack Imported Light Meat Tuna Product of Peru Distributed By Industrial Pesquera, S. A., Callo, Peru."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statements "Fancy Solid Pack Imported \* \* \* Product of Peru Distributed By Industrial Pesquera, S. A., Callo, Peru" were false and misleading since the product was not fancy quality; some of the cans contained flaked tuna; the article was not imported; it was not a product of Peru; and it was not distributed by Industrial Pesquera, S. A., Callo, Peru.

Further misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents. (The cans contained less than 7 ounces of tuna.)

**DISPOSITION:** May 15, 1952. The Wilbur-Ellis Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

**19019. Adulteration and misbranding of oysters. U. S. v. Irvington Fish & Oyster Co., Inc., and Andrew T. Sisson and James B. Sisson. Pleas of guilty. Corporation fined \$360; each individual defendant fined \$2.50. (F. D. C. No. 32786. Sample Nos. 2992-L, 2993-L, 2996-L, 2997-L, 3819-L, 4214-L, 4380-L, 4382-L, 4383-L.)**

**INFORMATION FILED:** July 22, 1952, Eastern District of Virginia, against Irvington Fish & Oyster Co., Inc., Irvington, Va., and Andrew T. Sisson, plant manager, and James B. Sisson, plant superintendent.

**ALLEGED SHIPMENT:** Between the approximate dates of November 5 and December 17, 1951, from the State of Virginia into the States of Tennessee, Indiana, North Carolina, and Illinois.

**LABEL, IN PART:** "King Carter Brand Oysters," "Irvington Brand Salt Water Oysters" or "Capitol Brand Oysters \* \* \* Capitol Distributing Co. Inc. Indianapolis, Ind."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk and weight and reduce their quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters since they were in contact with water in excess of the time permitted by the standard; they were not thoroughly drained, as required by the standard; and they were packed with added water in violation of the standard.

**DISPOSITION:** October 6, 1952. Pleas of guilty having been entered, the corporation was fined \$360 and each individual defendant was fined \$2.50.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**19020. Adulteration of canned boysenberries. U. S. v. 7 Cases \* \* \*. (F. D. C. No. 33070. Sample No. 48795-L.)**

**LIBEL FILED:** May 1, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about August 7, 1950, from Salem, Oreg.

**PRODUCT:** 7 cases, each containing 24 1-pound cans, of boysenberries at Little Falls, Minn.